

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6555**

**BILL NUMBER: SB 580**

**NOTE PREPARED: Jan 11, 2013**

**BILL AMENDED:**

**SUBJECT:** Marijuana.

**FIRST AUTHOR:** Sen. Tallian

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Pending

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that operating a vehicle with an inactive metabolite of marijuana, hashish, or hash oil in one's body does not violate the impaired driving laws.
- B. It authorizes the licensed cultivation and production of industrial hemp in accordance with rules adopted by the department of agriculture.
- C. Possession Offenses – It makes possession of less than two ounces of marijuana a Class C infraction. It makes possession of more than two ounces of marijuana a Class B misdemeanor, and makes the offense a Class A misdemeanor if the person has two or more prior convictions involving marijuana in the past five years. It requires a court to suspend a sentence imposed for possession of marijuana if the person does not have a previous conviction involving marijuana in the past five years, and requires a court to defer a sentence if the person pleads guilty to misdemeanor possession of marijuana.
- D. Dealing Offenses – It makes the sale or delivery of more than two ounces of marijuana a Class A misdemeanor, and makes the offense a Class D or Class C felony under certain circumstances. It provides a defense if a person who delivers under ten pounds of marijuana does so for no consideration. It makes the public use or display of marijuana a Class B misdemeanor, and makes the offense a Class A misdemeanor if the person has two or more prior convictions for an offense involving marijuana in the past five years. It reduces the penalty for maintaining a common nuisance to a Class A misdemeanor if the only unlawful controlled substances involved were marijuana, hashish, or hash oil. It allows certain persons convicted of dealing in marijuana as a misdemeanor to participate in a forensic diversion program.

E. It repeals the controlled substance excise tax. It also makes conforming amendments.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.